

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

PLAINVILLE GENERATING CO., LLC,)
)
Plaintiff,)
)
vs.) Case No. 05-11210-GAO
)
DTE BIOMASS ENERGY, INC. and)
PLAINVILLE GAS PRODUCERS, INC.,)
)
Defendants.)

**AFFIDAVIT OF JAMES A. VAN HOY RELATING TO
PLAINTIFF'S MOTION FOR A SHORT ORDER OF NOTICE
AND DEFENDANTS' MOTION FOR EXTENSION OF TIME**

James A. Van Hoy, being first duly sworn, states as follows:

1. The statements made herein are based upon my personal knowledge, and I am competent to testify thereto.
2. I have been employed by DTE Biomass Energy, Inc. ("DTE Biomass") as a Project Manager since 1996. In that position, I have had the primary direct responsibility for managing the landfill gas collection and delivery system ("Gas System") operations of Plainville Gas Producers, Inc. ("Plainville Gas") carried out at the Plainville Landfill in Plainville, Massachusetts ("Landfill") from 2003 until the cessation of those operations as of midnight on August 31, 2005.
3. Sometime prior to August 25, 2005, arrangements were made between myself and Ralph Larimore of Allied Waste Systems, Inc. ("Allied"), owner of the Landfill to meet with Allied and Plainville Generating at the Landfill on August 25, 2005 regarding Plainville Generating's

takeover of the Gas System from Plainville Gas as of September 1, 2005. Sometime thereafter, Mr. Larimore informed me that Allied would prefer that I meet with Allied separately regarding these matters and that Allied personnel would then meet with Plainville Generating personnel regarding its takeover of those operations.

4. I have been provided a list of the items sought by Plainville Generating pursuant to its motion for a preliminary injunction filed October 18, 2005 in the civil action captioned Plainville Generating Co., LLC v. DTE Biomass Energy, Inc. and Plainville Gas Producers, Inc., C.A. No. 05-11210-GAO, now pending in the United States District Court for the District Court of Massachusetts. It is my understanding that Plainville Gas asserts that it possesses none of these documents or other materials and that all of these items are either absolutely or reasonably necessary for it to effectively and efficiently operate the Gas System. I have reviewed this listing and determined that it includes numerous items already in Plainville Generating's possession, items that were left at the Landfill, items that are available from Allied, and items that I am not even familiar with. In winding up Plainville Gas' operations at the Landfill I did not knowingly remove anything necessary to the operation of the Gas System.

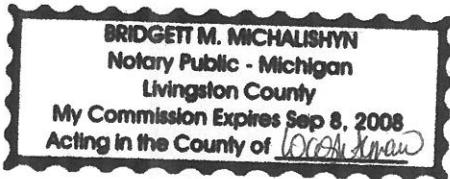
Further Affiant sayeth not.



James A. Van Hoy

STATE OF MICHIGAN)
)
) ss.
COUNTY OF WASHTENAW)

Subscribed and sworn to before me, a notary public in and of said County and State, this 20 day of October 2005.



A handwritten signature in black ink that appears to read "Bridget M. Michalishyn". Below the signature, the words "Notary Public" are printed.

My Commission Expires: Sept. 8, 2008